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Commission on the Limits of the Continental Shelf

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Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chair

Summary

The present statement provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during its fortieth session. In particular, it contains an overview of the progress made in the consideration of the submissions made by the following: the Russian Federation, in respect of the Arctic Ocean (partial revised submission); Brazil, in respect of the Brazilian Southern Region (partial revised submission); Uruguay; the Cook Islands, in respect of the Manihiki Plateau; Argentina; Iceland, in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge; Norway, in respect of Bouvetøya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; the Federated States of Micronesia, Papua New Guinea and Solomon Islands, jointly, concerning the Ontong Java Plateau; France and South Africa, jointly, in the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Mauritius, in the region of Rodrigues Island; Nigeria; and Seychelles, in respect of the Northern Plateau Region. In addition, it provides information about other issues dealt with by the Commission during the session.

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1. Pursuant to the decision adopted at its thirty-eighth session (see CLCS/90, para. 100), as endorsed by the General Assembly in its resolution 70/235 (para. 94), the Commission on the Limits of the Continental Shelf held its fortieth session at United Nations Headquarters, from 1 February to 18 March 2016. The plenary parts of the session were held from 8 to 12 February and from 7 to 11 March. The other parts of the session were used for the technical examination of submissions at the geographic information systems laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Muhammad Arshad, Lawrence Folajimi Awosika, Galo Carrera, Francis L. Charles, Ivan F. Glumov, Richard Thomas Haworth, Martin Vang Heinesen, Emmanuel Kalngui, Wenzheng Lyu, Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong-Ahn Park, Carlos Marcelo Paterlini, Rasik Ravindra, Walter R. Roest, Tetsuro Urabe and Szymon Uścinowicz. Owing to medical reasons, Messrs Awosika, Glumov and Marques only attended parts of the session. Mr. Urabe attended the session from 1 February to 11 March, Mr. Mahanjane from 1 February to 15 March, and Mr. Roest did not attend the session on 22 February 2016.

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.40);

(b) Statement by the Chair on the progress of work in the Commission at its thirty-ninth session (CLCS/91);

(c) Submissions made by coastal States[1] pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;

(d) Report of the resumed twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS/293);

(e) General Assembly resolution 70/235, entitled "Oceans and the law of the sea";

(f) Relevant communications from States parties to the Convention and Member States of the United Nations, including Argentina (2 February 2016), Bangladesh (22 October 2015), Canada (16 December 2015), the Democratic Republic of the Congo (7 October 2015), Denmark (7 October 2015), India (30 October 2015), Kenya (21 October 2015), Mauritius (8 October and 24 December 2015), the Russian Federation (27 January and 1 February 2016), the United States of America (two communications dated 30 October 2015) and Uruguay (20 August 2015);

(g) Letter from Mr. Nenad Leder to the Chair of the Commission (22 September 2015).

[1] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

Item 1
Opening of the fortieth session

4. The Chair of the Commission, Mr. Awosika, opened the plenary meeting of the fortieth session of the Commission.

Statement by the Under-Secretary-General for Legal Affairs

5. The Under-Secretary-General for Legal Affairs and Legal Counsel made a statement. In particular, he drew the attention of the members of the Commission to relevant aspects of resolution 70/235, recently adopted by the General Assembly, concerning the conditions of service of members of the Commission and the request made by the Assembly to the Secretary-General regarding the provision of cost-effective, transportable, non-structural improvements to address some of the immediate working space needs of the Commission. He also recalled that the resumed twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held on 15 January 2016, had not been in a position to fill one vacancy in the Commission,[2] owing to the lack of nominations. The by-election would therefore be included in the provisional agenda for the twenty-sixth Meeting of States Parties, to be held in June 2016. Noting the importance that States attach to the work of the Commission, he encouraged the Commission and its subcommissions to make all efforts with a view to finalizing the examination of submissions carried out during the past four years and approving draft recommendations which are currently before the Commission.

Item 2
Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.40) and adopted it, with amendments (CLCS/92/Rev.1).[3]

Item 3
Organization of work

7. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

[2] See CLCS/90, footnote 1.

[3] In response to an invitation by the Chair to present their submissions to the Commission at its fortieth session, the following States indicated their preference to make presentations at a future session: the Bahamas, Canada, Denmark, France, Somalia and Sri Lanka, on the understanding that the deferrals would not affect the position of their submissions in the queue.

Item 4
Workload of the Commission

Conditions of service of the members of the Commission

8. The Director of the Division for Ocean Affairs and the Law of the Sea informed the Commission in detail about the outcome of the deliberations by the General Assembly on issues concerning the Commission. The Commission took note of that information and, in particular, took note with appreciation of the measures adopted by the General Assembly, in paragraphs 91-93 of its resolution 70/235, to address certain aspects of the conditions of service of the members of the Commission. The Commission also reiterated its views, expressed during previous sessions, on the issue of workload (see CLCS/83, paras. 8-12, CLCS/85, paras. 9-13, CLCS/88, paras. 8-13, and CLCS/90, paras. 8-11).

Item 5
Consideration of the submission made by Brazil in respect of the Brazilian Southern Region[4]

Report of the subcommission

9. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work at the fortieth session, noting that the subcommission had met from 22 to 26 February 2016. During that period the subcommission had commenced the main technical and scientific examination of the submission.[5]

10. He informed the Commission that the subcommission had sent a request for clarification to the delegation. He also noted that, owing to the classification by Brazil, pursuant to annex II to the rules of procedure of the Commission, of both parts II and III of the submission as confidential, the members of the subcommission would not be in a position to continue to examine the submission during the intersessional period.

11. He added that the subcommission had decided to resume its consideration of the submission during the forty-first session.

12. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 22 to 26 August 2016.

[4] Submission made on 10 April 2015; see www.un.org/Depts/los/clcs_new/submissions_files/submission_bra_rev.htm.

[5] See section IV of annex III to the rules of procedure (CLCS/40/Rev.1).

Item 6
Consideration of the submission made by Uruguay[6]

Consideration of draft recommendations

13. On 8 February 2016, the subcommission introduced to the Commission the draft recommendations in regard to the submission made by Uruguay on 7 April 2009, through a presentation delivered by the Chair of the subcommission, Mr. Charles, together with other members of the subcommission.

14. On 9 February 2016, the delegation of Uruguay participated in the proceedings of the Commission and made a presentation pursuant to paragraph 15 (1 bis) of section VI of annex III to the rules of procedure of the Commission. The presentation was made by the Director of International Law of the Ministry of Foreign Relations of Uruguay, Carlos Mata Prates. The delegation of Uruguay also included a number of scientific, legal and technical advisers.

15. In its presentation, the delegation of Uruguay expressed its appreciation to the members of the subcommission for their work. In addition to elaborating on substantive points of the submission, the delegation noted its concurrence with the views and general conclusions of the subcommission arising from the examination of the submission.

16. The Commission then continued its deliberations in private. Taking into account the presentations made by the delegation and by the subcommission, the Commission commenced the consideration of the draft recommendations. In order to allow sufficient time for its members to consider the submission and the draft recommendations, the Commission decided, in accordance with rule 53, paragraph 1, of its rules of procedure, to defer further consideration of the draft recommendations to its forty-first session.

Item 7
Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau[7]

Consideration of draft recommendations

17. The Commission resumed its consideration of the draft recommendations prepared by the subcommission (see CLCS/90, paras. 31-34). The Commission decided to continue further consideration of the draft recommendations at its forty-first session.

[6] Submission made on 7 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm.

[7] Submission made on 16 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm.

Item 8
Consideration of the submission made by Argentina[8]

Consideration of draft recommendations

18. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the subcommission at the thirty-eighth session (see CLCS/90, paras. 38-41).

Approval of recommendations

19. On 11 March 2016, the Commission approved without a vote the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Argentina on 21 April 2009", with amendments. One member of the Commission, while not objecting to the approval of the recommendations without a vote, expressed the view that, despite the right of the coastal State to avail itself of the possibility to use evidence to the contrary to the general rule in the determination of the foot of the continental slope, it was also the obligation of that State to demonstrate that, in such instances, the general rule did not or could not reliably locate the foot of the continental slope. In his view, this was not adequately demonstrated.[9]

20. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on 28 March 2016.

Item 9
Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge[10]

Consideration of draft recommendations

21. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the subcommission at the thirty-fourth session (see CLCS/83, paras. 64-66). Following extensive deliberations by the Commission, the Chair of the Commission presented a proposal which became a basis for a consensual outcome of those deliberations.

Approval of recommendations

22. On 10 March 2016, the Commission approved without a vote the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge on 29 April 2009", with amendments.

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[8] Submission made on 21 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm.

[9] Two other members subsequently indicated that they shared this view.

[10] Submission made on 29 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm

23. All members expressed appreciation for the constructive proposal by the Chair, which facilitated the approval of the recommendations. In doing so, however, some members of the Commission expressed regret that the aforementioned recommendations could not have been approved as presented by the subcommission, given the considerable amount of time spent by it on their preparation.

24. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on 21 March 2016.

Item 10
Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land[11]

Report of the subcommission

25. The Chair of the subcommission, Mr. Haworth, reported on the progress of its work during the intersessional period and at the fortieth session, noting that the subcommission had met from 1 to 5 February 2016. During that period, the subcommission had continued the main scientific and technical examination of the submission.[12]

26. He informed the Commission that the delegation of Norway had transmitted data and information to the subcommission in response to requests for clarification that had been made by the subcommission during the session.

27. The subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-first session, including meetings with the delegation.

28. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 11 to 15 July and 8 to 12 August 2016.

Item 11
Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa[13]

Report of the subcommission

29. The Chair of the subcommission, Mr. Haworth, reported on the progress of its work during the intersessional period and at the fortieth session, noting that the subcommission had met from 29 February to 4 March and from 14 to 18 March

[11] Submission made on 4 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nor_30_2009.htm.

[12] See note 5.

[13] Submission made on 5 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_zaf_31_2009.htm.

2016. During that period, the subcommission had continued the main scientific and technical examination of the submission.[12]

30. He informed the Commission that the subcommission had held three meetings with the delegation of South Africa, during which the subcommission presented its views on a number of substantive issues. The delegation also presented its responses to questions and clarifications that had been raised by the subcommission in the course of the session.

31. He added that the subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-first session, including meetings with the delegation.

32. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 25 July to 5 August 2016.

Item 12
Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau[14]

Report of the subcommission

33. The Chair of the subcommission, Mr. Roest, reported on the progress of its work at the fortieth session, noting that the subcommission had met from 29 February to 4 March and from 14 to 18 March 2016. During that period, the subcommission had continued the main scientific and technical examination of the joint submission.[12] No meetings had been held with the joint delegation.

34. He informed the Commission that the subcommission had noted with regret that the joint delegation had not transmitted, as had been previously agreed, materials requested by the subcommission at the thirty-ninth session. The subcommission had recalled that the joint delegation had announced that it would also submit new bathymetric data in further support of some aspects of the joint submission before the forty-first session. The Chair of the subcommission added that the subcommission had expressed its concern that further delays in the provision of requested materials as well as any delays in the provision of new bathymetric data may have a negative impact on the possible completion of the consideration of the joint submission before the end of the term of office of the members of the Commission, in June 2017.

35. He noted that the subcommission had conveyed to the joint delegation, in writing, the status of its consideration of the joint submission and its projected progress.

36. He added that the subcommission had decided that its members would continue to work on the joint submission during the intersessional period, and that it would resume its consideration of the submission during the forty-first session, with

[14] Submission made on 5 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_fmpgsb_32_2009.htm.

a view to presenting to the joint delegation its views and general conclusions arising from the examination of the joint submission, pursuant to paragraph 10.3 of section IV of annex III to the rules of procedure. The joint delegation would have an opportunity to respond in accordance with paragraph 10.4 of section IV of annex III to the rules of procedure. Further, he informed that the subcommission intended to finalize draft recommendations to be submitted to the Commission for its consideration, at the same session.

37. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 11 to 15 and from 25 to 29 July 2016.

Item 13
Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands[15]

Report of the subcommission

38. The Chair of the subcommission, Mr. Njuguna, reported on the progress of its work during the intersessional period and at the fortieth session, noting that the subcommission had met from 15 to 26 February 2016. During that period, the subcommission had continued the main scientific and technical examination of the submission.[12] No meetings had been held with the joint delegation.

39. He informed the Commission that the subcommission had examined the data and information submitted by the joint delegation in response to the request made by the subcommission during the thirty-ninth session. After a thorough review thereof, the subcommission had conveyed in writing to the joint delegation its views on the data and information received and more generally on the status of its consideration of the joint submission and its projected progress, as well as a request for further clarifications.

40. He added that the subcommission had decided that its members would continue to work on the joint submission during the intersessional period, and that it would resume its consideration of the submission during the forty-first session, including meetings with the joint delegation.

41. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 1 to 5 and from 22 to 26 August 2016.

[15] Submission made on 6 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_frazaf_34_2009.htm

Item 14
Consideration of the submission made by Kenya[16]

Report of the subcommission

42. The Chair of the subcommission, Mr. Park, reported on the progress of its work during the intersessional period and at the fortieth session, noting that the subcommission had met from 29 February to 4 March and from 14 to 18 March 2016. During that period, it had commenced the main scientific and technical examination of the submission.[12]

43. He informed the Commission that the subcommission had transmitted a communication to the delegation with a number of requests for clarification with respect to its analysis of all of the submitted seismic data and information. The subcommission examined the response to that request along with the response to the request for additional clarifications made at the thirty-ninth session, which had been received during the fortieth session.

44. He noted that the subcommission had also transmitted a communication conveying its views with respect to the responses from the delegation to the requests for additional clarifications, as well as its views on the application of some aspects of the Statement of Understanding.

45. He added that the subcommission had decided that its members would continue to consider, during the intersessional period, the part of the submission which had not been classified by the submitting State as confidential under paragraph 2 of annex II to the rules of procedure and that it would resume its consideration of the submission during the forty-first session, including meetings with the delegation.

46. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 25 July to 5 August 2016.

Item 15
Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island[17]

Report of the subcommission

47. The Chair of the subcommission, Mr. Madon, reported on the progress of its work at the fortieth session, noting that the subcommission had met from 1 to 5 and from 15 to 19 February 2016. During that period, the subcommission had continued the main scientific and technical examination of the submission.[12] No meetings had been held with the delegation.

48. He recalled that the subcommission had presented to the delegation its views and general conclusions arising from the examination of the submission, pursuant to

[16] Submission made on 6 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

[17] Submission made on 6 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_mus_36_2009.htm.

paragraph 10.3 of section IV of annex III to the rules of procedure, at the thirty-ninth session of the Commission. The subcommission had received a communication from the delegation intersessionally in respect of the presentation made by the subcommission. The subcommission had considered the contents of the communication and prepared a response accordingly, which had been transmitted to the delegation.

49. He informed the Commission that, as agreed with the delegation during the thirty-ninth session,[18] the subcommission was awaiting the full response to its presentation, pursuant to paragraph 10.4 of section IV of annex III to the rules of procedure, to be provided by the delegation in written form by 31 May 2016. Upon a request made by the delegation, a meeting would be held during the forty-first session for a presentation of that response to the subcommission.

50. He indicated that, after considering that response, the subcommission would, as agreed, proceed to prepare its recommendations pursuant to paragraph 10.5 of section IV of annex III to the rules of procedure.

51. He added that the subcommission had decided that it would resume its consideration of the submission during the forty-first session with a view to presenting its recommendations to the Commission at the same session.

52. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 11 to 15 July 2016.

Item 16
Consideration of the submission made by Nigeria[19]

Report of the subcommission

53. The Chair of the subcommission, Mr. Mahanjane, reported on the progress of its work during the intersessional period and at the fortieth session, noting that the subcommission had met from 1 to 5 February 2016. During that period, the subcommission had continued the main scientific and technical examination of the submission.[12] No meetings had been held with the delegation.

54. He informed the Commission that the subcommission had focused on reviewing the responses from the delegation to the preliminary observations and requests made by the subcommission following the thirty-ninth session. The subcommission had also prepared and transmitted a second request for clarifications to the delegation.

55. He added that the subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-first session, including meetings with the delegation.

56. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 8 to 12 August 2016.

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[18] See CLCS/91, para. 35.

[19] Submission made on 7 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nga_38_2009.htm.

Item 17
Consideration of the submission made by Seychelles, in respect of the Northern Plateau Region[20]

Report of the subcommission

57. The Chair of the subcommission, Mr. Roest, reported on the progress of its work at the fortieth session, noting that the subcommission had met from 15 to 26 February 2016. During that period, the subcommission carried out the initial examination of the submission pursuant to section III of annex III to the rules of procedure.

58. He informed the Commission that the subcommission had verified the format and completeness of the submission and had conducted its preliminary analysis, concluding that it could not establish whether the test of appurtenance had been passed based on the data available. Accordingly, the subcommission had addressed a written communication to the submitting State seeking clarifications.

59. The subcommission had also concluded that it was not necessary to recommend seeking the advice of specialists, in accordance with rule 57 of the rules of procedure, or cooperation with competent international organizations, in accordance with rule 56. The subcommission had further concluded that more time would be required to examine the data and prepare recommendations for transmittal to the Commission.

60. He added that the subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-first session, including meetings with the delegation.

61. The Commission subsequently decided that the meetings of the subcommission during the forty-first session would be held from 22 to 26 August 2016.

Item 18
Consideration of other submissions made pursuant to article 76, paragraph 8, of the Convention: presentation of the partial revised submission made by the Russian Federation in respect of the Arctic Ocean[21]

62. The presentation of the partial revised submission of the Russian Federation to the Commission was made on 9 February 2016 by the head of delegation and Minister of Natural Resources and Environment, Sergei E. Donskoi. The delegation included a number of advisers.

63. In addition to elaborating on substantive points of the submission, Mr. Donskoi informed the Commission that one of its current members,

[20] Submission made on 7 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_syc_39_2009.htm. See also paras. 78-79 of the present report.

[21] Submission made on 3 August 2015; see www.un.org/Depts/los/clcs_new/submissions_files/submission_rus_rev1.htm.

Mr. Glumov, had assisted the Russian Federation by providing scientific and technical advice.

64. Mr. Donskoi elaborated in detail on issues of maritime delimitation in the area covered by the submission. In particular, recalling the notes verbales from Denmark, dated 7 October 2015, the United States of America, dated 30 October 2015, and Canada, dated 30 November 2015, Mr. Donskoi noted that they did not object to the consideration of the submission by the Commission.

65. Mr. Donskoi reiterated the request contained in his letter dated 1 February 2016, regarding the possibility of including in the programme of work of the fortieth session a meeting of the delegation of the Russian Federation with the subcommission with a view to making an initial presentation of the submission.

66. The Commission then continued its meeting in private. Recalling the decision taken at its twenty-sixth session whereby revised submissions would be considered on a priority basis notwithstanding the queue (CLCS/68, para. 57), the Commission assigned the examination of the submission to the subcommission established to consider the submission made by the Russian Federation on 20 December 2001. It noted that, pursuant to rule 42, paragraph 2, of the rules of procedure of the Commission, the current members of the subcommission were Lawrence Folajimi Awosika, Galo Carrera (Chair), Mazlan Bin Madon, Jair Alberto Ribas Marques, Yong-Ahn Park (Vice-Chair), Walter R. Roest (Vice-Chair), and Szymon Uścinowicz (see CLCS/80, paras. 33 and 34).

67. The Commission then addressed the request of the Russian Federation for a meeting of its delegation with the subcommission to deliver a presentation of the submission. The Commission concluded that it would be more productive if such a presentation by the delegation were delivered at a later date, when the subcommission would conduct the substantive examination of the submission.

68. The Commission decided that the subcommission would commence its work during the forty-first session, from 8 to 12 August 2016.

Item 19
Report of the Chair of the Committee on Confidentiality

69. The Chair of the Committee on Confidentiality, Mr. Park, reported that no issues that fell within the purview of the Committee had arisen and that, consequently, no meeting of the Committee had been required during the fortieth session.

Item 20
Report of the Chair of the Editorial Committee

70. The Chair of the Editorial Committee, Mr. Haworth, reported that no meeting of the Committee had been required during the fortieth session. He also informed the Commission that the Committee had been receiving additional comments with respect to the template for recommendations of the Commission on the basis of which a new version of the template would be prepared. The Chair encouraged members of the Commission to continue reviewing the template in the light of

further recommendations that were being prepared, and to forward any additional comments or suggestions for improvements to the Chair of the Committee.

Item 21
Report of the Chair of the Scientific and Technical Advice Committee

71. The Chair of the Scientific and Technical Advice Committee, Mr. Urabe, reported that no meeting of the Committee had been held during the fortieth session owing to time constraints and that no issues that fell within the purview of the Committee had arisen.

Item 22
Report of the Chair of the Training Committee and other training issues

72. The Chair of the Training Committee, Mr. Carrera, reported that no meeting of the Committee had been required during the period under review.

73. Further, he recalled that, from 21 to 25 September 2015, a five-day training course on the preparation of submissions to the Commission on the Limits of the Continental Shelf had been held in Breckenridge, Colorado, United States of America, to which the organizers had invited a number of experts from developing coastal States (CLCS/90, para. 84). The training was conducted in cooperation with the Division and included, as presenters, some current and former members of the Commission.

74. In that context, the Commission noted that, as many years had passed since the preparation of the training manual,[22] some parts of the manual would benefit from an update. The Secretariat expressed its readiness to assist the Commission in that regard, noting, however, the constraints on its time owing to the current workload of the Division.

Item 23
Other matters

Establishment of subcommissions

75. In the light of the progress in its work, the Commission decided to proceed with the establishment of an additional subcommission.

76. In accordance with its practice, the Commission reviewed the submissions next in line, as queued in the order in which they had been received, namely, the submissions made by Myanmar; Yemen, in respect of south-east of Socotra Island; the United Kingdom of Great Britain and Northern Ireland, in respect of Hatton-Rockall Area; Ireland, in respect of Hatton-Rockall Area; Fiji; Malaysia and

[22] *Training Manual for Delineation of the Outer Limits of the Continental Shelf Beyond 200 Nautical Miles and for Preparation of Submissions to the Commission on the Limits of the Continental Shelf* (United Nations publication, Sales No. E.06.V.4).

Viet Nam, jointly, in respect of the southern part of the South China Sea; and Viet Nam, in respect of the North Area.

77. Noting the absence of new communications from States, which indicated developments that would have allowed for the consideration of those submissions, the Commission decided to defer further the establishment of a subcommission to examine any of the above-mentioned submissions. The Commission also decided that, since those submissions remained next in line for consideration, as queued in the order in which they had been received, it would review the situation again at the time of establishment of its next subcommission (see CLCS/76, paras. 22-24).

78. The Commission then proceeded, on the basis of its rules of procedure, in particular rule 42, paragraphs 1 and 2, and its practice, with the establishment of a subcommission for the consideration of the partial submission made by Seychelles concerning the Northern Plateau Region.

79. The Commission appointed Messrs. Charles, Glumov, Kalngui, Lyu, Ravindra, Roest and Uścinowicz as members of the subcommission. The subcommission met and elected Mr. Roest as Chair and Messrs. Lyu and Ravindra as Vice-Chairs (see also paragraphs 57-61).

Attendance

80. The Commission addressed the issue of the attendance of its members and re-emphasized that it was important for all members of the Commission to attend all its meetings on time and in full. The Chair reiterated that he would bring to the attention of Permanent Missions, as necessary, the absence of members of the Commission nominated by their Governments and the repercussions of their absence on the work of the Commission.

Issues of a scientific and technical nature

81. The Commission considered again the possibility of devoting time to internal discussions of topics of a scientific and technical nature during a future session. In view of the heavy workload of the fortieth session, it was decided that such internal discussions might be held at future sessions, when the workload so permitted.

Referral by a subcommission to the plenary of the Commission of issues of a general nature encountered during the examination of a submission

82. Messrs. Arshad and Awosika presented to the Commission a proposal which, as amended, would now serve as internal guidelines on the matter.

Procedures and practices of subcommissions

83. The Chair of the open-ended working group established at the thirty-seventh session (see CLCS/88, para. 68), Mr. Carrera, prepared a standard presentation describing procedures and practices followed by subcommissions in the examination of submissions. The Commission took note of the presentation for use by subcommissions during their initial meetings with the delegations of submitting States.

Geographic information management software used for submissions

84. The Commission re-emphasized the importance of submitting States ensuring that the parts of their submissions for which geographic information management software was used were compatible with the software version used by the Commission.

85. One member of the Commission observed that the hardware and software used in the geographic information systems laboratories no longer corresponded to the latest standards and were not adequate for processing of the large volume of data contained in some submissions. The Secretary of the Commission informed the Commission that upgrades of hardware and software were conducted periodically and any upgrades outside of the scheduled cycles may have considerable programme budget implications. Consequently, should the Commission wish to make any request in this regard, it would need to thoroughly substantiate it.

Future sessions of the Commission

86. The Commission recalled its decision to hold its forty-first session from 11 July to 26 August 2016 (see CLCS/90, para. 100 (b)). The plenary parts of the session would be held from 18 to 22 July and from 15 to 19 August 2016, as endorsed by the General Assembly in paragraph 94 of its resolution 70/235.

87. The forty-second session would be held from 17 October to 2 December 2016, without plenary meetings.

88. The Commission noted that it would require more plenary time during its forty-third session, to be held in 2017, for the consideration and approval of draft recommendations before the term of office of current members of the Commission expires in June 2017. The Commission therefore decided that, subject to the approval of the General Assembly, three weeks of plenary meetings would be held during the forty-third session, namely from 13 to 17 February and from 6 to 17 March 2017. Consequently, in order not to exceed the allocated number of plenary weeks, only one plenary week would be held during the forty-fourth session of the Commission, in July-August 2017.

Trust funds

89. The Commission was informed by the Secretariat about the status of the voluntary trust fund for the purpose of defraying the cost of the participation in its meetings of the members of the Commission from developing States. For the fortieth session, an estimated total of $170,000 in financial assistance was being provided to eight members. As of 18 March 2016, the trust fund had an approximate balance of $350,000. It was estimated that the funding requirements for the forty-first and forty-second sessions, which would also be held in 2016, would be in the range of $150,000 to $170,000 each. Accordingly, the Secretariat expressed its concern that, without further contributions, the trust fund would be depleted in 2016. The Commission also expressed its concern with regard to the low balance in the trust fund since this would soon have a negative impact on the work of the Commission as a whole. It therefore underlined the critical need for contributions to the trust fund, so as to enable the Commission to operate beyond 2016.

90. An overview was also provided by the Secretariat on the status of the voluntary trust fund for the purpose of facilitating the preparation of submissions to

the Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. The Commission was informed that, as of 10 February 2016, the trust fund had an approximate balance of $1,263,400, and there were currently no applications for assistance with the Division.

91. The Secretariat drew the attention of the Commission to paragraphs 37 and 38 of General Assembly resolution 70/235 and the related amendments to the terms of reference, guidelines and rules of the trust fund for the purpose of facilitating the preparation of submissions (see resolution 70/235, annex). In that connection, it noted that assistance from the trust fund may now be requested in order to assist developing States to meet the travel and daily subsistence allowance costs associated with meeting with the Commission when their submissions are being examined and upon the Commission's invitation. In particular, the Secretariat recalled that under the amended terms of reference of the trust fund, financial assistance could be provided for air travel and daily subsistence allowance for up to three members of a delegation when the Commission or relevant subcommission has invited that delegation to attend its meeting or session, except in cases where a joint submission of three or more States is being considered, for which a maximum of six members total of such a joint delegation may receive assistance.

92. In view of the fact that delegations from developing States may now request financial assistance from that trust fund, the Secretariat emphasized the need for detailed and timely planning of any necessary meetings between delegations of developing States and the Commission or its subcommissions in order to allow for enough time for applications and their processing as well as a responsible management of the trust fund.

Acknowledgements

93. The Commission noted with appreciation and gratitude the high standard of secretariat services rendered to it by the Division.

94. The Commission expressed its appreciation to other members of the Secretariat for the assistance they had provided to the Commission and, in particular, noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers.

United Nations Convention on the Law of the Sea CLCS/94

Commission on the Limits of the Continental Shelf

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Agenda

1. Opening of the forty-first session.
2. Adoption of the agenda.
3. Organization of work.
4. Workload of the Commission.
5. Consideration of the partial revised submission made by the Russian Federation in respect of the Arctic Ocean.
6. Consideration of the partial revised submission made by Brazil in respect of the Brazilian Southern Region.
7. Consideration of the submission made by Uruguay.
8. Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau.
9. Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land.
10. Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa.
11. Consideration of the joint submission made by Micronesia (Federated States of), Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau.
12. Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands.
13. Consideration of the submission made by Kenya.
14. Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island.
15. Consideration of the submission made by Nigeria.
16. Consideration of the submission made by Seychelles in respect of the Northern Plateau Region.

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17. Consideration of other submissions made pursuant to article 76, paragraph 8, of the Convention: presentation of the submissions made by:
    (a) Côte d'Ivoire;
    (b) Denmark, in respect of the southern continental shelf of Greenland;
    (c) Denmark, in respect of the north-eastern continental shelf of Greenland;
    (d) France, in respect of Saint Pierre and Miquelon;
    (e) Somalia;
    (f) Denmark, in respect of the northern continental shelf of Greenland.
18. Report of the Chair of the Commission on the twenty-sixth Meeting of States Parties to the United Nations Convention on the Law of the Sea.
19. Report of the Chair of the Committee on Confidentiality.
20. Report of the Chair of the Editorial Committee.
21. Report of the Chair of the Scientific and Technical Advice Committee.
22. Report of the Chair of the Training Committee and other training issues.
23. Other matters.

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